

REMARKS

Summary of Office Communication

§ 103 (a) Rejections

In the Office Action dated September 7, 2006, in addition to the § 102 anticipation rejections, claims 1-10 were rejected under 35 USC §103(a) as being obvious in from Helmer in view of Basara. Claim 2 was also rejected under §103 (a) as being obvious from any one of Basara, Box 1975 and Leone 1987 in view of Grapetine. Claims 6-7 were also similarly rejected under § 103 (a) as being obvious from Leone 1987 in view of Hillmer. Claim 8 was also rejected under § 103 (a) as being obvious from Leone 1987 in view of Hooley et al., or alternatively from Box 1975 in view of Haugh et al. Claims 11-17 were rejected under § 103 (a) as being obvious from either one of Basara, Box 1975 and Leone 1987 or Helmer in view of in view of Didow et al..

In the present Office Communication, the Examiner indicates that Applicants' Reply filed on January 12, 2006 did not satisfactorily address all of the § 103 obvious rejections of the claims, and that the Reply in particular did not fully address the rejections [of claims 6 and 7] based upon Leone 1987 in view of Hillmer, [and of claim 8] based upon Leone 1987 in view of Hooley, et al., or Box 1975 in view of Haugh et al.

Applicants' Reply

Applicants thank the Examiner for noting the deficiency of the previous Reply and for affording applicants the opportunity to fully address the § 103 rejections.

Applicants believe that the Reply filed on January 12, 2006 addresses the § 103(a) rejections of claim 1-10 based on Basara, of claim 2 based on any one of Basara, Box 1975 and

Leone 1987 in view of Grapetine, and of claims 11-17 based on either one of Basara, Box 1975 and Leone 1987 or Helmer in view of Didow et al. For brevity, applicants do not repeat the Remarks present in the previous Reply, but incorporate them by reference herein.

Claims 6 and 7

Claims 6 and 7 were also rejected as being obvious from Leone 1987 in view of Hillmer.

Applicants note that claims 6 and 7 depend on claim 1. Neither Leone 1987 nor Hillmer, whether viewed independently or in combination show all of the elements of claim 1.

For example, Leone 1987 does not disclose or suggest the steps of selecting one or more functional forms to account for any impact of each of said one or more determined market events, or evaluating each of the selected functional forms to account for the one or more determined market events, or quantifying a relationship between the one or more promotions and said product performance for said product by taking into account said evaluated functional forms, as required by Claim 1.

Hillmer, as noted by the Examiner in the Office Action (see ¶ 86), is generally directed to statistical methods for adjusting and detecting additive outliers (non-observations) in statistical forecasting. Hillmer, like Leone 1987, does not disclose or suggest the steps of selecting one or more functional forms to account for any impact of each of said one or more determined market events, or evaluating each of the selected functional forms to account for the one or more determined market events, or quantifying a relationship between the one or more promotions and said product performance for said product by taking into account said evaluated functional forms, as required by claim 1.

Therefore, claim 1 is patentable over Leone 1987 and Hillmer even when the two cited

references are viewed in combination. Further, claims 6 and 7, which depend from claim 1, are patentable over the cited references for at least the same reasons that claim 1 is patentable.

Claim 8

Claim 8 was also rejected as being obvious from Leone 1987 in view of Hooley et al., or alternatively as being obvious from Box 1975 in view of Haugh et al.

Applicants note that claim 8 depends on claim 1.

Rejection based on Leone 1987 and Hooley et al.

Applicants further submit that neither Leone 1987 nor Hooley et al., whether viewed independently or in combination, show all of the elements of claim 1.

As noted above, Leone 1987 does not disclose all of the elements of claim 1. Further, Hooley et al., as noted by the Examiner in the Office Action (§§ 88-89), provides an illustration of ARIMA Modeling and cross-correlation techniques. Hooley et al., like Leone 1987, does not disclose or suggest the steps of selecting one or more functional forms to account for any impact of each of said one or more determined market events, or evaluating each of the selected functional forms to account for the one or more determined market events, or quantifying a relationship between the one or more promotions and said product performance for said product by taking into account said evaluated functional forms, as required by Claim 1.

Therefore, claim 1 is patentable over Leone 1987 and Hooley et al even when the two cited references are viewed in combination. Further, claim 8, which depends from claim 1, is patentable for at least the same reasons that claim 1 is patentable over the cited references — Leone 1987 and Hooley et al.

Rejection based on Box 1975 and Haugh et al..

Like Leone 1987 and Hooley et al., Box 1975 fails to disclose or suggest the steps of selecting one or more functional forms to account for any impact of each of said one or more determined market events, or evaluating each of the selected functional forms to account for the one or more determined market events, or quantifying a relationship between the one or more promotions and said product performance for said product by taking into account said evaluated functional forms, as required by Claim 1. Instead, Box 1975 discloses several standard forms that can be used for the noise function, the choice of which is determined by the data on the output variable collected, and the noise function is not analyzed until the model is fitted. (Box 1975 at p. 71, C. 1, l. 35 - C. 2, l. 2). Therefore, Box 1975 fails to disclose all of the elements of claim 1.

Further, Haugh et al., as noted by the Examiner in the Office Action (see ¶¶ 90-92), is generally directed to methods for identifying distributed lag models by relating two time series. However, like Box 1975, Haugh et al. does not disclose or suggest the steps of selecting one or more functional forms to account for any impact of each of said one or more determined market events, or evaluating each of the selected functional forms to account for the one or more determined market events, or quantifying a relationship between the one or more promotions and said product performance for said product by taking into account said evaluated functional forms, as required by claim 1.


Therefore, claim 1 is patentable over Haugh et al. and Box 1975, even when the two cited references are viewed in combination. Further, claim 8, which depends from claim 1, is patentable for at least the same reasons that claim 1 is patentable over the cited references — Haugh et al. and Box 1975.

Accordingly, applicant respectfully submits that the pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-17 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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